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SUMMARY RECORD OF THE 1196th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 10 March 1997, at 3 p.m.

Chairman: Mr. BANTON

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The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 5) (continued)

Thirteenth and fourteenth periodic reports of Germany (CERD/C/299/Add.5)

1. At the invitation of the Chairman, Mr. Höynck, Ms. Voelskow-Thies, Mr. Haberland, Mr. Willers, Mr. Schaefer, Mr. Weckerling, Mr. Gromann, Mr. Hellbach and Ms. Aderhold (Germany) took seats at the Committee table.

2. Mr. HÖYNCK (Germany) said that since its inception, the United Nations had included a strong human dimension in its work. The goal in the area of human rights had moved away from standard-setting towards implementation. It was shocking to see that throughout the world racism was re-emerging, a situation which demanded resolute action at every level, even though that was no easy task. In Germany, coordinated efforts were being made to combat all forms of racial discrimination and involved not only the authorities but civil society, churches and religious communities, trade unions and NGOs. In presenting its report, Germany wanted to show the Committee the degree of commitment on the part of public bodies and the progress they had made.

3. Ms. VOELSKOW-THIES (Germany) said that between 1993 and 1995 the number of investigations into right-wing extremist activities or xenophobic criminal offences in Germany had fallen by almost 50 per cent and criminal offences against foreigners had fallen drastically thanks to rigorous action by the prosecuting authorities against any right-wing extremist, particularly xenophobic and anti-Semitic, violence. The report before the Committee did not correspond to the text the authorities had submitted to the Centre for Human Rights in that information on article 7 had been omitted.

4. With regard to article 2 of the Convention, Germany was actively working to develop the Council of Europe's Framework Convention for the Protection of National Minorities, which it intended to ratify in the near future. Protection of national minorities and population groups was provided for in the national Constitution and the Constitutions of the Länder. Legislation was in place to ensure that national minorities could participate in the affairs of the State and society. In their traditional areas of settlement, education was provided in the language of the minority concerned. The Jewish community, which did not consider itself a minority but a religious community, had grown considerably since 1990. Germany had encouraged the Jewish influx, particularly from the successor States of the former Soviet Union, so as to strengthen Jewish community life and there had been no problems. As a rule, the population was well-disposed towards their Jewish fellow citizens. Although the fires in the Lübeck synagogue in 1994 and 1995 had attracted a great deal of attention, only the incident in 1994 had a right-wing and extremist background. The persons found guilty of that criminal act had been convicted and sentenced to between two-and-a-half and four-and-a-half years' imprisonment.

5. With regard to article 4 of the Convention, inflammatory and neo-Nazi texts, sound recordings and other propaganda remained a great danger. Since the production and dissemination of such material was a criminal offence, any

material discovered was routinely confiscated. The Government had commissioned a report on the extent to which right-wing extremist propaganda was being disseminated on the Internet. Germany was trying to ensure that there was international harmonization of statutory provisions, at least throughout the European Union, on criminalizing racist propaganda. Criminal prosecution played an important role in eliminating such propaganda. The American neo-Nazi Gary Rex Lauck had been convicted and sentenced by a German court to four years' imprisonment for criminal agitation against sections of the population, incitement to racial hatred, dissemination of propaganda and using the symbols of anti-constitutional organizations. Information compiled by the Federal Office for the Protection of the Constitution indicated that membership of right-wing extremist associations had fallen sharply since 1993.

6. The decision by the Council of the European Union to designate 1997 as European Year against Racism had prompted the establishment of a national coordination committee in Germany made up of government agencies and NGOs. Cultural and social events and information campaigns dealt with topics designed to promote mutual understanding and were targeted particularly at teachers, journalists, schoolchildren, apprentices and trainees. Of particular interest were the anti-racist hotline, an anti-discrimination bureau and international school exchanges. NGOs, churches, youth associations and cultural associations were also involved in activities to eliminate racism.

7. In the Council of Europe, general policy recommendations and proposals had been drawn up to extend article 14 of the European Convention on Human Rights. The European Commission against Racism and Intolerance had compiled a comprehensive document describing concrete domestic measures that had been taken by contracting States. Nine working groups were looking at conditions in member States of the Council of Europe. Working groups were also examining recommendations on the introduction of ombudsmen, a network of research institutions throughout Europe and a data bank.

8. The number of foreigners living in Germany had gone up. They accounted for almost 9 per cent of the total population, although the figure was as high as 20 per cent in some urban areas. The largest groups were from Turkey, the Federal Republic of Yugoslavia (Serbia and Montenegro), Italy, Greece, Bosnia and Herzegovina, Poland, Croatia, Austria, Spain and Portugal. In 1993, there had been 2 million refugees in Germany, although the number had declined since then. The figures in the report had changed slightly: 300,000 people were entitled to asylum, many of them with their families; there were 350,000 asylum-seekers, 100,000 quota refugees, 16,000 displaced foreigners, 500,000 de facto refugees and 330,000 war refugees from Bosnia and Herzegovina.

9. Efforts had been made to integrate foreigners who had been living in Germany for a long time. For instance, between 1972 and 1995, more than 89,000 foreigners of Turkish origin had acquired German nationality. It had become considerably easier to acquire German nationality since 1990. Foreigners who had been living legally in Germany for a long time had then become entitled to apply for German nationality and did not have to prove their degree of integration. At the behest of her Government, Turkish law had also been amended in 1995 to provide that renunciation of Turkish nationality

was no longer conditional upon prior completion of military service, and persons who gave up Turkish nationality were no longer subject to certain legal disadvantages, such as restrictions on the purchase of real estate in Turkey.

10. A number of court decisions had been handed down concerning the punishment of discrimination and Nazi propaganda in places of employment. For example, a Turkish woman had been given notice of dismissal from her place of work on the grounds that there were too many foreign employees working for the firm concerned. She had taken the case to court and won, since an employee's national origin did not constitute grounds for dismissal. Also, the Frankfurt Labour Court had ruled in favour of an employer who had dismissed a German worker because he had hung up a picture of Hitler at work in a conspicuous position. The Lower Saxony Labour Court had declared a notice of termination of a contract of employment to be lawful because the German employee concerned had distributed pamphlets with inflammatory speeches against foreigners, repatriates and asylum-seekers. Similarly, according to a judgement handed down by the Hamburg Labour Court, a German employee could be dismissed for scrawling xenophobic graffiti on his employer's premises even though he had worked for the firm for many years.

11. The number of xenophobic attacks had continued to decline and police were becoming more successful in dealing with crimes with a racist or discriminatory element.

12. Germany was party to many international human rights instruments and therefore subject to their individual control mechanisms. Thus, the authorities saw no reason to make the declaration under article 14 of the Convention as it would be superfluous; they wanted to keep legislation as simple as possible to avoid duplication of provisions and confusion among citizens.

13. With regard to the question of anti-discrimination legislation, article 3 of the Basic Law provided that nobody should be subjected to discrimination because of his or her sex, birth, race, language or national origin. The provision was binding on Parliament, the administration and the judicial system. Although it was considered that an anti-discrimination law would send a positive signal to the population, there was also a feeling that an active integration policy aimed at dismantling legal and other barriers faced by foreigners who had lived in Germany for a long time was more important than enacting legislation.

14. Although the number and intensity of violent attacks had declined considerably, xenophobic attitudes in everyday life were a continuing source of concern. The authorities were keeping a watchful eye on developments and were reacting to attacks resolutely and without delay.

15. The CHAIRMAN said that information on article 7 of the Convention was contained in annexes that were available in the meeting room.

16. Mr. CHIGOVERA (Country Rapporteur) commended the regularity with which Germany submitted its reports to the Committee, and the fact that they were set out in accordance with the Committee's guidelines and provided substantial

detail on legislative, judicial, administrative and other measures adopted or planned in order to combat racism. The apparent lack of information on article 7 of the Convention had been explained.

17. With regard to public law, the legislative and administrative measures taken by Germany to eliminate racism and racial discrimination were satisfactory, although the effectiveness of implementation mechanisms needed to be looked at anew. Measures taken in the sphere of private law were unsatisfactory. The Civil Code did not have any specific provisions for dealing with discrimination in access to employment, housing and other social and economic spheres where discrimination was often found.

18. During consideration of Germany's twelfth periodic report, it had been stated that xenophobia was due not only to social problems but also to lack of knowledge and an inability to cope with democracy and make compromises. The Government's response to that appeared to be the establishment of the Federal Centre for Political Education, whose primary concern was to develop a democratic consciousness through a variety of publications and provided information to young persons by advertising in the magazines they would read. However, he asked what other practical steps had been taken to ensure that such democratic consciousness was entrenched in young minds. He also requested further information on specific school courses aimed at preventing racial prejudice among young people in Germany.

19. Paragraph 8 of Germany's report correctly defined the Government's obligations under article 2, paragraph 2, of the Convention, but then confined the groups requiring protection to the minority groups traditionally resident in Germany, which were not the only disadvantaged groups needing special protection. That narrower approach was further reinforced by the Government's interpretation of its obligations under the Framework Convention for the Protection of National Minorities, referred to in paragraph 10. What was the status of protection of members of other ethnic groups who were not traditionally resident in Germany but were now German citizens, such as Turks, Italians, Africans and others? And why was there no special protection for them? Did such differential treatment of members of minorities who were all German citizens not amount to discrimination on grounds of national origin?

20. With regard to the implementation of article 3 of the Convention, he drew attention to the Committee's General Recommendation XIX, pointing out that conditions of partial segregation might arise as an unintended by-product of the actions of private persons; they might occur in residential patterns or in schools, often for reasons of income differential. Was the Government conscious of such a possibility and what was its strategy for preventive action, especially in the light of the large numbers of foreigners resident in Germany?

21. He was generally satisfied with Germany's fulfilment of its obligations under article 4, but asked, in connection with paragraph 54 of the report, what the Government's position would be with respect to an association or organization that was a political party and whose aims and orientation contravened the criminal law and, more particularly, entailed racial exclusion. In paragraph 57, which appeared to follow up paragraph 54, he

asked what was meant by the unconstitutionality of political parties, what was the consequence of a Federal Constitutional Court decision to that effect and, specifically, what sanctions were applied.

22. With regard to the implementation of article 5, although paragraph 76 listed the largest groups of foreigners, he wished to know what was the size of the African population in Germany and what had become of African contract workers, particularly in the former German Democratic Republic? The integration policy referred to in paragraph 82 appeared to be restricted to foreign workers recruited before 1973 and their family members who had joined them thereafter. What was the position of other foreigners who had entered Germany after 1973, some of whom had now been in the country for over 20 years and might have qualified for German citizenship and become German citizens? How was foreigners' right of access to the courts, referred to in paragraph 87, exercised by economically disadvantaged foreigners? Was any form of legal aid available when they had complaints about racial discrimination in employment or other spheres that were not covered by criminal laws?

23. The wording of section 81, subsection 2, of the Insurance Supervision Act, quoted in paragraph 90, suggested that discriminatory action by insurance companies merely gave aggrieved persons the right to take action, but did not constitute conduct prohibited and punishable by law. The absence of that kind of protection, which was also apparent in other social sectors, seemed to imply inadequate compliance with article 5 (e) (i) of the Convention. Paragraph 94 shed little light on the precise measures taken by the Government to prevent the forms of racial discrimination covered by that article and appeared to amount merely to a statement of disapproval rather than providing for legal prohibition and sanctions. He referred the Government to an International Labour Office report entitled "Labour market discrimination against foreign workers in Germany", which, inter alia, reported on discrimination arising from pay differentials between Germans and foreigners. He asked whether the political discussions on the possible introduction of a comprehensive anti-discrimination law, referred to in paragraph 95, were still going on and, if so, when the Committee might be apprised of the conclusions and of any further anti-discrimination measures in various social sectors, including employment.

24. With reference to article 6, he asked whether the decrease in xenophobia-related offences was thought to indicate growing racial tolerance among the population or the effectiveness of the preventive measures taken. His question should be seen in the context of indications in the report that xenophobic violence was spontaneous and had no organized pattern or political backing. Commending the research project on the causes of xenophobic violence referred to in paragraph 113, he asked what steps had been taken by the Government in response to its findings, and specifically what measures had been taken to change the attitudes of young people, who had been found to be the principal offenders. What were thought to be the causes of the increase in the proportion of older suspects in such violence and, if they included the growth of racist political organizations, were steps being taken to counter that trend? Press reports, including one in The Guardian of 3 March 1997, suggested that neo-Nazi demonstrations enjoyed the tacit support of certain political parties, which prompted him to ask whether the Government should not

re-examine its conclusion that neo-Nazis or skinheads, who were responsible for most xenophobic incidents, had no political backing. Referring to paragraph 134, he asked what the exact figure was for the number of persons prosecuted and convicted and whether the reason for the low success rate of investigation proceedings was some inadequacy in the investigation or prosecution procedures or related legal provisions, or in the attitude of investigators.

25. In its 1996 report, Human Rights Watch had pointed out that, while the judiciary had improved its response to racist violence in 1995, the number of prosecutions dismissed for insufficient evidence remained alarmingly high, suggesting that the police and prosecutors had not been preparing cases thoroughly. Human Rights Watch had also suggested that one of the possible reasons for the low rate of prosecution of xenophobic offences might be the slow response of the police, which made it difficult to gather evidence.

26. While he was aware of the observations of the German Government in response to the report submitted by the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism and racial discrimination, xenophobia and related intolerance (A/51/301), various organizations reporting on human rights, including Human Rights Watch, Amnesty International, the United States State Department and the Africa World Review, had noted numerous cases of mistreatment of foreigners by police officers, some of them resulting in serious injury to the victims. Amnesty International had further reported that in many instances persons alleging such mistreatment ended up being charged with resisting State authority. He wondered whether the somewhat dismissive attitude of the Government towards such allegations in paragraph 139 was intended to convey the message that such mistreatment did not take place at all. Although the German authorities had commendably reported to the Special Rapporteur the steps they had taken to punish offending police officers in several instances, he would have expected the report to the Committee to have dealt with the question at length, conveying the Government's concern about the existence of a problem and the steps being taken to investigate allegations. The many reports of police mistreatment, including cases referred to in the report of the Special Rapporteur, perhaps implied some serious flaws in the orientation of the police officers concerned and possibly deep-rooted prejudice against foreigners in the communities from which they came. They pointed to the need for a different approach in investigating xenophobia-related offences by police officers and prompted the conclusion that investigations of police officers by their own colleagues would achieve very little. Had consideration been given to establishing a fully independent body to investigate complaints against the police?

27. Mr. GARVALOV raised the issue of protection of minorities in Germany, expressing his interest in paragraph 10 on Germany's accession to the Framework Convention for the Protection of National Minorities in 1995, and noted the declaration made by Germany on the application of that Convention after ratification. As a convention of principle and a regional convention having no monitoring mechanism or mandatory obligations, the Framework Convention was in sharp contrast to the International Convention on the Elimination of All Forms of Racial Discrimination. It was not surprising that

the Framework Convention contained no definition of "national minorities", given that the definition of "minorities" had proved problematic for the United Nations itself.

28. He asked why Germany recognized only Danes and Serbs with German citizenship as national minorities, and why the Sinti, Romany and Priesians were regarded as ethnic groups. The informaton in paragraph 8 suggested that there were five ethnic groups, whereas paragraph 9 referred to only four. He wished to know which group of minorities was being excluded for the purpose of that paragraph. He asked why second and third-generation German citizens of Turkish origin were not considered national minorities or as belonging to an ethnic group. He recalled that in 1992 the General Assembly had adopted a Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and wondered why Germany had not been inclined to make a distinction between the minorities along the lines of that Declaration.

29. He was intrigued by the measures against organizations with racist aims described in paragraphs 53-61, and was curious to know why the speedy legislative measures to ban associations expounding racist ideologies could not be applied to political parties having the same aims.

30. He commended the German Government for its surveillance of right-wing extremist groups, although he did not believe that xenophobia could be described as "spontaneous". It was also heartening to note that Germany's interpretation of article 7 was strict and appeared to take the Committee's General Recommendation V fully into account.

31. The issue of integration in Europe was of great concern as barriers, such as the Schengen Agreement, were being erected by some European States to bar entry of persons from nations which were ethnically different from their own.

32. Mr. van BOVEN said that the detailed information provided under articles 4 and 6 showed that the German Government was fully aware of the dangers of the resurgence of right-wing extremism and corresponding patterns of racism and violence. On a less positive note, the report did not deal systematically with the Committee's concluding observations of August 1993 (document A/48/18, paras. 442-452) or, in particular, the suggestions and recommendations. The practice of making concluding observations had been introduced as an important tool for follow-up monitoring and the Committee expected States parties to take them into account.

33. Referring to the report on contemporary forms of racism and racial discrimination, xenophobia and related intolerance (A/51/301) prepared by the Special Rapporteur of the Commission on Human Rights, who had visited the Federal Republic of Germany, he said there had been no evidence that the Special Rapporteur had taken the Committee´s work into consideration. He wondered whether that omission indicated a lack of coordination on the part of another United Nations body.

34. As had been mentioned in 1993, it was striking that some groups of persons who had German nationality, such as the Turks, were not covered by

measures for the special protection of minorities. He was pleased to see that the Friesian ethnic group had been included in the category for special protection since the consideration of previous reports from Germany. However, although paragraph 24 acknowledged Germany´s historical responsibility towards the Sinti and Romany, there was no further information in the report on follow-up to separate treaties concluded by Germany with Bulgaria and Romania which facilitated the deportation of members of those ethnic groups.

35. He reported three incidents of harassment, derogatory language and denial of housing rights vis-à-vis gypsies. Although the victims were appealing to the European Commission on Human Rights, he feared that the issues of housing rights and discrimination would be found inadmissible before that Commission. If Germany had accepted article 14 of the International Convention, the victims would have been able to seek recourse before the Committee. He did not understand Germany´s reluctance to make the declaration provided for under article 14.

36. Paragraph 36 of the report had euphemistically referred to "isolated" attacks against the Jewish community. That description contradicted information reported by the Society for the Protection of Civil Law and the Dignity of Persons, based in Berlin, which stated that the Federal Government had admitted that 958 punishable anti-Semitic acts had been recorded in 1995; 550 such offences had been recorded during the first three quarters of 1996.

37. Turning to article 3 of the Convention, he observed that if the Government of Germany were to study the Committee´s General Recommendation IX, it would discover that the information provided in paragraphs 38 and 39 of the report was not satisfactory.

38. He was impressed by Germany's implementation of article 4; he particularly welcomed the amendment to section 130 of the Criminal Code relating to criminal agitation against sections of the population, as mentioned in paragraph 48 of the report.

39. The amendment to article 16 of the Basic Law had achieved the desired effect of considerably reducing the number of asylum-seekers. In that context, reference had been made to the designation of "safe countries"; he requested the delegation to provide the Committee with a list of the countries considered "safe". Also in connection with the Basic Law, he was not sure whether the effect of the policy enunciated in that Law was in harmony with the International Convention.

40. He asked for an explanation of the policy whereby certain foreigners, including those without legal status and temporary residents, were not entitled to compensation for acts of racial discrimination committed against them.

41. The Committee had earlier expressed a keen interest in the enactment of a comprehensive anti-discrimination law and there had been much discussion of the subject both within the Committee and in Germany. He was therefore disappointed that paragraph 95 contained little information on developments in that area, and doubted whether article 3 of the Basic Law covered all the concerns to be met by such a comprehensive law.

42. He refuted the claim made in paragraph 97 that measures taken by the Government to deal with xenophobic activities had been successful. He believed that the outcome of proceedings under resolution 1503 (XLVIII) of the Economic and Social Council could not be cited as an argument to support that claim.

43. He considered the periodic report and the discussion of issues within the State party extremely important; he hoped the report and concluding observations would be widely distributed.

44. Mr. DIACONU said that consideration of the report was a challenge for both the delegation and the Committee, given the size of Germany, the large numbers of foreigners and minorities living there, the federal structure of the Government, and the historical responsibility of the State towards some of its ethnic groups and towards peace and security in Europe.

45. The demographic situation and the issue of minorities were puzzling in that there was a small number of minorities but large numbers of foreigners with German nationality. In view of the differing levels of treatment accorded to various categories of Germans, he welcomed the recognition of the Friesian ethnic group and urged the Government to take up the issue of recognition of minorities in earnest.

46. States parties were committed, under article 2, paragraphs 1 (a) and 2, to the elimination of racial discrimination against individuals and groups and to the adequate development and protection of certain racial groups or individuals belonging to them. Under article 4, States parties were obliged to punish all acts of violence or racial discrimination. Out of concern at the restrictive application of the Framework Convention for the Protection of National Minorities in Germany, he asked how many foreigners, other than Turks, had become German citizens, how the population of 125,000 Romanians who were not of German origin were categorized, and what was the situation of the emerging minorities.

47. The question of the terminology used to distinguish between certain national minorities, ethnic groups and communities had already been raised, but there remained the question of the status of the other minorities. On a practical note, he wondered what would be done to preserve the cultural identity of the latter minorities.

48. With reference to paragraphs 95 and 96, he believed the Government of Germany should be encouraged to continue its efforts to improve the enforcement of its legislation. He recalled the recommendation made by the Special Rapporteur of the Commission on Human Rights in that regard. He hoped the Government would continue to pay strict attention to the attitude of the police and other State authorities towards people of non-German origin.

49. In connection with the question raised by Mr. van Boven concerning treaties concluded with Germany, he explained that they were treaties of readmission and that Romania had a constitutional obligation to readmit its citizens found abroad in an illegal situation.

50. Mr. LECHUGA HEVIA said that he had just a few questions to add. Noting that the Danish and Sorb minorities were exempt from the application of the 5 per cent blocking clause, he inquired whether gypsies should not also benefit from that rule, given that their numbers were roughly the same as those of the other two groups and notwithstanding the fact that they were more scattered throughout the territory of Germany.

51. He asked what had been the results of the Government's dialogue, begun in 1993, with the World Jewish Congress concerning isolated attacks against Jewish institutions. Likewise, what had been the conclusions of the meetings held over the past two or three years between representatives of the Government, the media and experts to discuss the rise in xenophobic violence? He also wondered what the response of the Government had been to the recommendation contained in an ILO study on migrant workers, which had coincided with the recommendation made by the Special Rapporteur on contemporary forms of racism and racial discrimination, xenophobia and related intolerance (E/CN.4/1996/72/Add.2, para. 56 (e)), to pass specific legislation to combat racism, anti-Semitism and xenophobia rather than adopting various isolated measures.

52. He cited the case recently reported in the press of a German who had murdered a Gambian citizen in a train in Germany, had at first been acquitted and then, after an appeal, had been given a two-year suspended sentence. That showed that racist acts were commonplace and, in the example given, were even allowed to go unpunished by two judges.

53. Mr. VALENCIA RODRIGUEZ stressed that Germany's policy of combating discrimination was based on the fundamental recognition of equality and the prohibition of discrimination embodied in article 3 of the Constitution. Legislation to combat discrimination was binding on the legislature, the executive and the courts and was directly applicable. Germany had acknowledged that the phenomenon of racism and racial discrimination existed. Manifestations of racism were considerable in their extent, and Germany must take further measures to combat the phenomenon.

54. Germany had been complying with its obligations under article 4 of the Convention and should continue along that path. Administrative, judicial and other actions provided for in legislation should be extended. With regard to paragraph 79 of the fourteenth report, he sought more information on the specific ways in which the Government was working to prevent abuse of asylum and illegal immigration, a problem that affected many countries.

55. Mr. de GOUTTES commended the Government of Germany for responding to many of the questions which the Committee had asked at its previous session. The fourteenth report painted a convincing picture of the various measures taken by Germany to combat racism and xenophobia; that effort seemed to be producing results, because the Government had indicated that there had been a decrease in racist and xenophobia-related crimes. The report testified to Germany's great determination to deal with a difficult problem, and he was particularly impressed with the account, in paragraphs 113-119, of the underlying social and economic causes of the phenomenon, particularly among young people.

56. With regard to paragraph 48 of the report, he noted that, like a number of other European States, including France, Germany had adopted legislation punishing denial of the genocide committed under the Nazi regime. He asked whether there had been any cases of application of that legislation in the courts and whether any complaints had been lodged on that basis.

57. In connection with paragraphs 139-141, he was interested to read the frank discussion of complaints against police officers in connection with racist and xenophobic incidents. That was a sensitive issue in all countries. As the police were in constant contact with foreigners, their attitude was a test of the tolerance of the country concerned. He would be interested in receiving any further information on cases in which the police had been accused of racist acts.

58. He asked why Germany had still not set up a national human rights body. He noted that many other European countries had already done so and that such bodies could play an important role in averting xenophobia and racism. Likewise, he did not find fully persuasive the explanation given by the delegation of Germany as to why its Government was not considering making the declaration under article 14 of the Convention, especially as Germany accepted individual communications under the International Covenant on Civil and Political Rights. To his mind, there was no duplication with article 25 of the European Convention on Human Rights, which did not cover economic, social and cultural rights. In that connection, he did not believe that the prospect of a future sole European court of human rights had any impact on the question.

59. Mr. SHAHI commended Germany for making what appeared to be a serious attempt to confront racial discrimination, but much still remained to be done. Given Germany's historical responsibility, an effort needed to be made to fully integrate into the German nation the country's 6.5 million foreigners, including 1.5 million refugees, most of whom did not want to return home. Noting that a national debate was under way on a comprehensive anti-discrimination law (para. 95), he asked the Government to respond in its next report to the recommendations contained in the report of the Special Rapporteur on contemporary forms of racism and racial discrimination, xenophobia and related intolerance, and in particular to the call for a law to be passed against racism, anti-Semitism and xenophobia.

60. Mr. SHERIFIS praised the delegation of Germany for its frank statement on the re-emergence of xenophobic and racist acts in that country, which differed strikingly from the assertion by some States parties that there was no racial discrimination whatsoever in their countries and thus no need for legislation on the basis of article 4. There was, however, still room for improvement in certain areas, for example with regard to Germany's attitude towards article 14. The delegation of Germany had cited all the instruments to which Germany was a party, arguing that a declaration under article 14 would simply be redundant; in his view, such an enumeration suggested that a declaration under article 14 would be all the more logical, especially as a great country like Germany should provide leadership in that area. Concerning paragraphs 64-66 of the report, he asked what had been the result of the initiative taken in 1994 by the European Council of Ministers to combat racism and xenophobia. Turning to paragraph 40, and bearing in mind General

Recommendation XVII, he asked whether Germany had taken any steps to establish national institutions to facilitate implementation of the Convention. He welcomed Germany's ratification of the amendments to article 8, paragraph 6, of the Convention adopted by the fourteenth meeting of the States parties.

61. In the context of German reunification, and bearing in mind General Recommendation XXII, he inquired how the right to own property was ensured and whether persons had the right to return to their homes of origin under conditions of safety, to have their property restored, etc.

62. Mr. ABOUL-NASR, reserving the right to speak further the following day, noted that while detailed information had been provided on the Jewish minority in Germany, which comprised only 50,000 or so members, none had been given on the situation of the more than 2 million Muslims in that country; he therefore hoped that the delegation of Germany could provide some data on that question.

The meeting rose at 6.05 p.m.